

Before The  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:* :  
Pimmit Branch :  
Falls Church, Virginia 22043 : Docket No. A2011-90  
(Elaine J. Mittleman, Petitioner):  
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**MOTION OF PETITIONER  
TO REOPEN PIMMIT BRANCH**  
(November 17, 2011)

Petitioner Elaine Mittleman hereby respectfully submits this motion to reopen the Pimmit Branch. At the monthly meeting of the Postal Regulatory Commission on November 16, 2011, it was noted that there is a moratorium on closings of post offices beginning on November 19, 2011. The Pimmit Branch closed at the end of the business day on November 10, 2011.

**PERTINENT STATUTORY AUTHORITY**

Title 39 U.S.C. § 404(d) provides in pertinent part:

(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

## **ARGUMENT**

The Postal Service did not comply with 39 U.S.C. § 404(d) in several respects when it closed the Pimmit Branch. The Postal Service posted a letter dated September 14, 2011 (attached hereto) at the Pimmit Branch. The letter stated that the Pimmit Branch would close on November 10, 2011. The letter did not include the determination and findings of the Postal Service about the closing of the Pimmit Branch. In addition, the closing date of November 10 is fewer than 60 days after the date that the letter was posted.

In a letter to Ms. Mittleman dated September 27, 2011 (attached hereto). George S. Chichester, Senior Manager, Post Office Operations, stated that "For your information, I have enclosed a copy of the Final Determination to close the Pimmit Branch, which contains a breakdown of the estimated annual savings as well as additional relevant information." Thus, the Final Determination was sent to Ms. Mittleman by letter dated September 27, 2011. However, the Final Determination was apparently not made available generally to persons served by the Pimmit Branch.

The Postal Service violated 39 U.S.C. § 404(d)(4) in closing the Pimmit Branch. First, the Postal Service did not make the written determination available to persons served by the Pimmit Branch. Further, it closed the Pimmit Branch before the written determination was made

available. The statute is clear that the Postal Service "shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office."

In light of the failure of the Postal Service to comply with provisions of 39 U.S.C. § 404(d), the Pimmit Branch should be reopened.

The recently-announced moratorium further supports the request that the Pimmit Branch be reopened. The moratorium begins on November 19. If the Pimmit Branch had been open for about one additional week, it would presumably have been covered by the moratorium. It is particularly unfair to close a postal facility one week before a moratorium begins.

Further, with the holiday season approaching, the Postal Service should be encouraging convenience for customers, rather than expecting customers to incur additional travel time and expense to go to other facilities. If the Postal Service is seeking to increase its revenue, it should be making facilities available and accessible, rather than placing substantial obstacles for customers to attempt to use the postal facilities. To the extent that the decision to close facilities is based on some concern for the financial problems of the Postal Service, the closing of the Pimmit Branch before the holiday season is counterproductive and causes lost revenue to the Postal Service.

## **CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Pimmit Branch be reopened.

Respectfully submitted,

/s/ Elaine Mittleman

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Petitioner